

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH

AMAL SWAN,

Plaintiff,

v.

BROAD AUTO TRANSPORTATION LLC, a  
Florida Limited Liability Corporation and  
SERGIO CASTRO,

Defendants.

Case No.

COMPLAINT FOR DAMAGES

(Negligence-Personal Injury-Automobile)

Damages: \$166,770.11

ORS Fee Statute: ORS 21.160(1)(c)

(Claim Not Subject to Mandatory Arbitration)

DEMAND FOR JURY TRIAL

Plaintiff alleges:

1.

At all material times,

- a) Defendant Broad Auto Transportation LLC, was an active Florida business corporation, conducting regular and sustained business within Multnomah County, Oregon;
- b) Defendant Sergio Castro was an employee of defendant Broad Auto Transportation LLC, and was the operator of a Peterbuilt semi-truck, Florida plate number F7278LJ;
- c) Plaintiff was the properly restrained driver of a 2016 Dodge Journey, Oregon plate number 882 JGY; and

- 1 d) NE 82<sup>nd</sup> Avenue at its intersection with NE Sandy Boulevard was and is a public  
2 roadway extending in a generally north/south direction in Multnomah County,  
3 Oregon.

4 2.

5 On January 12, 2017, at approximately 2:30 p.m., defendant Sergio Castro was acting within the  
6 course and scope of his employment with Broad Auto Transportation LLC, when he was driving a semi-  
7 truck in a northerly direction in the left lane on NE 82<sup>nd</sup> Avenue, near its intersection with NE Sandy  
8 Boulevard. The road conditions were icy, with snow accumulation. Defendant was driving too fast for  
9 the conditions and lost control of his semi-truck, crashing into the rear driver's side of plaintiff's vehicle.  
10

11 3.

12 At that time and place, plaintiff was the properly restrained, driver of a 2016 Dodge Journey and  
13 was traveling in a northerly direction on NE 82<sup>nd</sup> Avenue. Plaintiff was transporting an Uber customer  
14 from her home to the airport. Plaintiff was traveling in the right lane when, as she slowed down to stop  
15 at the intersection of NE Sandy Boulevard, defendant unexpectedly crashed his semi-truck into her  
16 vehicle.  
17

18 **COUNT ONE**  
19 **(Negligence)**

20 4.

21 Plaintiff realleges and incorporates by this reference paragraphs 1 through 3 above.  
22

23 5.

24 Defendants were negligent in one or more of the following particulars:

- 25 a) Traveling at a rate of speed greater than was reasonable considering the  
26

1 conditions;

2 b) Failing to maintain proper control over the semi-truck;

3 c) Failing to keep a proper lookout; and

4 d) Operating a vehicle in a careless manner.

5  
6  
7 **COUNT TWO**

8 **(Negligence Per Se)**

9 **(Against Defendant Sergio Castro)**

10 6.

11 Plaintiff realleges and incorporates paragraphs 1 through 3 above.

12 7.

13 Defendant Sergio Castro violated the below cited Oregon statutes:

14 a) Traveling at a rate of speed greater than was reasonable and prudent considering  
15 the conditions then and there existing, in violation of ORS 811.100;

16 b) Failing to keep a proper and careful lookout, in violation of ORS 811.135; and

17 c) Operating a vehicle in a manner which endangered persons and property, in  
18 violation of ORS 811.135.

19 8.

20 As a result of defendants' negligence, plaintiff sustained injuries to her neck, shoulders, back and  
21 hips. Some of plaintiff's injuries may be permanent. Plaintiff also suffered headaches, concussion and  
22 anxiety relating to driving.

23  
24  
25  
26 ///

9.

As a result of defendants' negligence, plaintiff incurred reasonable and necessary medical expenses in the amount of \$16,770.11. Plaintiff's medical treatment is ongoing and plaintiff will amend her complaint prior to trial to conform with the actual medical expenses incurred at the time of trial.

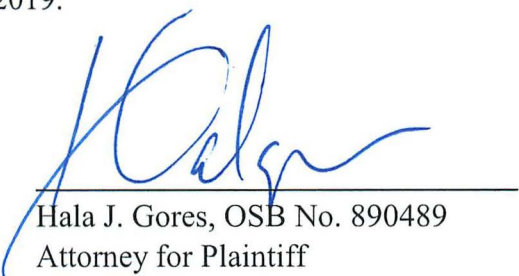
10.

As a further result of defendants' negligence, plaintiff suffered and continues to suffer pain, discomfort, disability and loss of enjoyment of life, all to plaintiff's non-economic damages in a reasonable amount to be determined at trial but not to exceed \$150,000.

**WHEREFORE**, plaintiff prays for judgment against the defendants as follows:

1. Reasonable and necessary medical expenses in the amount of \$16,770.11, to be amended before trial to conform with the actual medical expenses incurred;
2. Non-economic damages in a reasonable amount to be determined at trial but not to exceed \$150,000; and
3. Costs and disbursements incurred during this action.

DATED this 10<sup>th</sup> day of January, 2019.



Hala J. Gores, OSB No. 890489  
Attorney for Plaintiff